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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/715,671

11/17/2003

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EXAMINER

HOM, SHICK C

ART UNIT

PAPER NUMBER

2616

MAIL DATE

DELIVERY MODE

03/18/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                       |  |
|------------------------------|--------------------------------------|---------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/715,671 | <b>Applicant(s)</b><br>KOEHLER ET AL. |  |
|                              | <b>Examiner</b><br>SHICK C. HOM      | <b>Art Unit</b><br>2616               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7, 11-17, 21, 23-26 and 28-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 11, 15, 21 and 26 is/are rejected.
- 7) ☒ Claim(s) 2-7, 12-14, 16-17, 23-25, 28-30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/28/07 has been entered.

***Terminal Disclaimer***

2. The terminal disclaimer filed on 12/28/07 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent no. 6,650,660 has been reviewed and is accepted. The terminal disclaimer has been recorded.

***Response to Arguments***

3. Applicant's arguments with respect to claims 1-7, 11-17, 21, 23-26, and 28-30 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 5, 11, 15, 21, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Bleickardt et al. (5,461,622).

Regarding claims 1, 11, 21, and 26:

Bleickardt et al. disclose a method and apparatus for processing packets of data comprising the steps of:

splitting each packet into a first portion and a second portion; associating a first code with the first portion of data for each packet; associating a second code with the second portion of data for each packet;

for each packet of data, storing the first portion of data, and its associated first code; for each packet of data, storing the second portion of data and its associated second code; and

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retrieving one of the first portions of data and its associated first code, retrieving one of the second portions of data and its associated second code, determining by the codes whether the first and second portions of data were generated from the same packet of data, and if the first and second portions of data were generated from the same packet of data, combining them to regenerate the packet of data (the abstract and col. 7 line 67 to col. 8 line 12 recite splitting a STS super frame for transmitting on plural STS frames; col. 3 lines 22-36 recite the use of the A1, A2 framing bytes and the H1, H2 pointer bytes to realign, regenerate, and properly recombining the STS frames to reform the original STS super frame; Fig. 5 and col. 6 lines 16-49 shows and recite the recombining of the STS frames to reform the original super frame as in claims 1, 11, 21, and 26).

Regarding claims 5 and 15:

Bleickardt et al. disclose wherein the codes for like portions of successive packets of data are set to a series of values which repeats periodically (col. 3 lines 22-36 recite the byte repeats a specific pattern with a 64 frame period clearly reads on codes which repeats periodically).

***Allowable Subject Matter***

6. Claims 2-4, 6-7, 12-14, 16-17, 23-25, and 28-30 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sands et al. disclose an apparatus and method for detecting frame synchronization pattern/word in bit-stuffed digital data frame.

Follett discloses a high speed switching architecture.

Redman discloses TDM bus synchronization circuit and protocol and method of operation.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHICK C. HOM whose telephone number is (571)272-3173. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pham Chi can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SH

/Chi H Pham/  
Supervisory Patent Examiner, Art Unit 2616  
3/7/08